

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X	
In re	: Chapter 7
	:
JAR 259 FOOD CORP.,	: Case No. 22-40304 (JMM)
	:
Debtor.	:
-----X	

**STIPULATION AND ORDER ALLOWING NATIONAL LABOR RELATIONS BOARD  
TO FILE A LATE-FILED PROOF OF CLAIM**

This Stipulation and Order (the “Stipulation”) **[ECF No. 326] (JMM)** is entered into by and between Yann Geron (the “Trustee”), the chapter 7 trustee of the estate of Jar 259 Food Corp. (the “Debtor”) and National Labor Relations Board (“NLRB”, together with Trustee, the “Parties”).

**RECITALS**

**WHEREAS**, on February 18, 2022 (the “Petition Date”), the Debtor filed a voluntary petition for relief under Subchapter V of Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of New York (this “Court”) commencing this Bankruptcy Case; and

**WHEREAS**, the Debtor elected to proceed under Subchapter V of Chapter 11. Therefore, no official committee of unsecured creditors was appointed or established in this case, and

**WHEREAS**, on February 22, 2022, the United States Trustee filed a Notice Appointing Yann Geron as the Subchapter V Trustee in the Bankruptcy Case [ECF No. 3], and

**WHEREAS**, the Debtor continued to operate its business and manage its property as a debtor-in-possession pursuant to 11 U.S.C. §§ 1107(a) and 1108 from the Petition Date until

September 29, 2022, when the Bankruptcy Court entered the *Order Granting Application to Convert Case to Chapter 7* (the “Conversion Order”) [ECF No. 210], and

**WHEREAS**, on October 3, 2022, Yann Geron was appointed as the Chapter 7 Trustee of the Debtor’s estate [ECF No. 211], and

**WHEREAS**, by order dated December 16, 2022, the Bankruptcy Court fixed February 15, 2023 (the “Admin Claims Bar Date”) as the deadline for filing proofs of chapter 11 administrative claims which arose between February 18, 2022 and September 29, 2022 [ECF No. 274], and

**WHEREAS**, NLRB recently contacted counsel to the Trustee and advised that it holds an alleged administrative claim and was not notified of the Admin Claims Bar Date, and

**WHEREAS**, Trustee’s counsel has confirmed that NLRB did not receive notice of the Admin Claims Bar Date.

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED** by, between and among the Parties, as follows:

1. Each of the facts set forth in the “Whereas” clauses above is incorporated by reference herein.
2. NLRB is authorized to file an administrative proof of claim for post-petition monies that it alleges are due from the Debtor (the “NLRB Claim”), which claim shall be deemed timely filed so long as it is filed within ten business days after this stipulation is “So Ordered” by the Bankruptcy Court.

3. For the avoidance of doubt, the Trustee expressly reserves his right to object to the NLRB Claim or any other claim filed by or on behalf NLRB, which claim(s) will only be paid at such time as allowed and authorized by the Court as appropriate under the waterfall distribution scheme of the Bankruptcy Code.

Dated: New York, New York  
March 15, 2024

NATIONAL LABOR RELATIONS BOARD

/s/ Dean Owens  
Dean Owens, Esq.  
Amanda Leonard, Esq.  
1015 Half Street, 4th Floor  
Washington, D.C. 20570  
Telephone: (202) 273-3788  
Email: dean.owens@nlrb.gov  
Email: amanda.leonard@nlrb.gov

GERON LEGAL ADVISORS LLC  
*Attorneys for the Trustee*

/s/ Jeannette Litos  
Jeannette Litos  
Nicole N. Santucci  
370 Lexington Avenue, Suite 1101  
New York, NY 10017  
Telephone: (646) 560-3224  
Email: jlitos@geronlegaladvisors.com  
Email: nsantucci@geronlegaladvisors.com

**SO ORDERED:**

Dated: April 23, 2024  
Brooklyn, New York



  
Jil Mazer-Marino  
United States Bankruptcy Judge